

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

NEW MEXICO CATTLE GROWERS'
ASSOCIATION,

Plaintiff,

V.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY; et al.,

Defendants.

Case No. 1:19-cv-00988-RB-SCY

**DECLARATION OF ANTHONY L.
FRANCOIS IN SUPPORT
OF PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

Based on personal knowledge, I, Anthony L. François, declare:

1. I am an attorney and a member of the bar in good standing of the State of California and of the New Mexico Federal Bar.

2. I am counsel of record for Plaintiff New Mexico Cattle Growers' Association in this case, and I am submitting this declaration to authenticate two documents, attached hereto as Exhibits A and B.

3. I am also counsel to Duarte Nursery, Inc., in the case *Duarte Nursery, Inc. v. Army Corps of Engineers*, E.D. Cal. Case No. 2:13-cv-02095-KJM. During the pendency of that case I deposed James Robb, head of the Enforcement Unit of the Army Corps of Engineer's Sacramento District, on July 29, 2015. Excerpts of the transcript of that deposition are attached hereto as Exhibit A. They include the cover page with the case caption, pages 31-36 (describing Mr. Robb's job duties as Enforcement Unit leader), and pages 66-75 (describing the process of determining whether an agricultural activity is exempt from dredge and fill permitting by the Army).

4. I am also counsel to the Oregon Cattlemen's Association, in the case *Oregon Cattlemen's Association v. EPA*, D. Or. Case No. 3:19-cv-00564-AC. During the pendency of that case, the District Court, Judge Michael W. Mossman presiding, issued the oral ruling from the bench which is recorded at pages 35-39 of the transcript attached hereto as Exhibit B.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct, based on my own personal knowledge and experience.

Executed this 22nd day of May, 2020, in Sacramento, California.



ANTHONY L. FRANÇOIS